

House Bill 489

By: Representative Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to revise the offenses of cruelty to children in the second and third degrees;
3 to establish the offense of traveling to meet a minor for indecent purposes; to provide
4 sentencing guidelines; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
8 amended by revising subsections (c), (d), and (e) of Code Section 16-5-70, relating to cruelty
9 to children, as follows:

10 "(c) Any person commits the offense of cruelty to children in the second degree when such
11 person:

12 (1) With criminal negligence causes a child under the age of 18 cruel or excessive
13 physical or mental pain;

14 (2) Causes or allows, whether intentionally or unintentionally, a child under the age of
15 18 to witness or be present for any unlawful manufacture, distribution, delivery,
16 possession, sale, or use of any controlled substance, excluding marijuana; or

17 (3) Causes or allows, whether intentionally or unintentionally, a child under the age of
18 18 to witness or be present for the commission of any forcible felony as defined in Code
19 Section 16-1-3.

20 (d) Any person commits the offense of cruelty to children in the third degree when:

21 (1) Such person, who is the primary aggressor, intentionally allows a child under the age
22 of 18 to witness the commission of a felony other than a forcible felony; or to witness the
23 commission of battery, family violence battery, or family violence simple battery; or

24 (2) Such person, who is the primary aggressor, having knowledge that a child under the
25 age of 18 is present and sees or hears the act, commits a felony other than a forcible
26 felony; or commits battery, family violence battery, or family violence simple battery.

27 (e)(1) A person convicted of the offense of cruelty to children in the first degree as
28 provided in this Code section shall be punished by imprisonment for not less than five nor
29 more than 20 years.

30 (2) A person convicted of the offense of cruelty to children in the second degree shall be
31 punished by imprisonment for not less than one year nor more than ten years; provided,
32 however, that if the offense includes a victim who is under the age of 18 showing positive
33 laboratory blood or other bodily substance results concerning the presence of controlled
34 substances, such person convicted shall be punished by imprisonment for not less than
35 one year nor more than 15 years.

36 (3) A person convicted of the offense of cruelty to children in the third degree shall be
37 punished as for a misdemeanor upon the first or second conviction. Upon conviction of
38 a third or subsequent offense of cruelty to children in the third degree, the defendant shall
39 be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more
40 than \$5,000.00 or imprisonment for not less than one year nor more than three years or
41 shall be sentenced to both fine and imprisonment."

42 **SECTION 2.**

43 Said title is further amended by adding a new Code section to read as follows:

44 "16-6-4.1.

45 (a) Any person commits the offense of traveling to meet a child for indecent purposes
46 when such person travels any distance within this state, when such person attempts to do
47 so or causes another person to do so for the purpose of contacting any child under the age
48 of 16, or with a person believed to be a child under the age of 16, to:

49 (1) Solicit, entice, commit, or attempt to commit any act of child molestation or other
50 indecent act; or

51 (2) Solicit, entice, or attempt to solicit or entice any parent, guardian, or other lawful
52 custodian of any child, or to solicit, entice, or attempt to solicit or entice any person
53 believed to be a parent, guardian, or other lawful custodian of any child, to consent to or
54 otherwise allow the participation of any child in any act of child molestation or other
55 indecent act.

56 (b)(1) Any person convicted of violating paragraph (1) of subsection (a) of this Code
57 section shall be punished as if for violations of subsection (b) of Code Section 16-6-4.

58 (2) Any person convicted of violating paragraph (2) of subsection (a) of this Code
59 section shall be punished by imprisonment for not less than one year nor more than ten
60 years and shall be subject to the sentencing provisions provided in Code Section
61 42-1-12."

62

SECTION 3.

63 All laws and parts of laws in conflict with this Act are repealed.